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8 IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 SCOTT ALAN WILLINGHAM,

13 Defendant.

Case No. 3:16-CR-00125-BR

**DEFENDANT'S SENTENCING  
MEMORANDUM**

14 COMES NOW Defendant, Scott Alan Willingham, by and through his attorney  
15 Richard L. Fredericks, and submits the following sentencing memorandum.

16 **1. PLEA AGREEMENT AND SENTENCE**

17 Pursuant to an agreement, Mr. Willingham pleaded guilty to a single count of Theft  
18 of Government Property; Mr. Willingham aided in the theft of two Government  
19 surveillance cameras positioned outside of the Malheur National Wildlife Refuge.

20 The parties jointly recommend a sentence of 6 months imprisonment followed by a  
21 2 year term of supervised release. As a special condition of the supervised release, the  
22 parties recommend that Mr. Willingham reside in a residential reentry center (or residential  
23 treatment center) for up to 120 days.

24 The U.S. Probation Officer has recommended that Mr. Willingham not possess or  
25 consume alcohol during the supervised release. The defense maintains such condition is  
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not at all related to the offense conduct and is not warranted by old DUII convictions occurring in 1987 and 1997.

## 2. FACTUAL BACKGROUND

In early January, 2016, Mr. Willingham was living in Colorado working as an apartment maintenance person. He randomly watched a trending YouTube video of the MNWR occupiers seeking aid and assistance. The video was like a clarion call; Mr. Willingham was generally sympathetic to the notions of Government overreach with respect to public lands and that the Hammonds had been treated unfairly.

Mr. Willingham quit his job and drove to the MNWR. He stayed on the refuge for about 3 weeks and left shortly after the death of Mr. Finicum.

For the next month or so, Mr. Willingham laid low. He was concerned that a warrant was outstanding for his arrest. Mr. Willingham became very alarmed when he learned that assertions had been made on internet blogs that he was operating as a government informant. Mr. Willingham was without financial resources or a support network. He decided to turn himself in and presented himself to authorities. To his surprise, law enforcement did not want to arrest Mr. Willingham. In order to get arrested, Mr. Willingham threatened to shoot agents. The threats were not serious.

Mr. Willingham entered in to a plea agreement and changed his plea not long after his arrest. Again, speculation burbled on the internet that Mr. Willingham was a government informant. **Mr. Willingham is not a Government informant. Cooperation was not part of his plea agreement, he has not provided information to the Government, and he is not a witness for the Government at the current Bundy, et al, trial.**

## 3. THE SENTENCE

The defense asks the court to follow the recommendations of the parties.

1 By the time of sentencing, Mr. Willingham will have served the custodial portion of  
2 his sentence. Mr. Willingham has absolutely no financial resources and no family or friend  
3 support network. He does not own a car, have a wardrobe, or other basics. He asks the  
4 court to immediately order him in to a residential reentry center so that he may have time to  
5 become established, obtain employment, and to generally become self sufficient. Mr.  
6 Willingham intends to establish a new beginning for himself in the Portland area;  
7 placement in to a residential reentry center will afford him the opportunity to get his feet  
8 on the ground.

9  
10 RESPECTFULLY SUBMITTED this 14<sup>th</sup> day of September, 2016.

11  
12 RICHARD L. FREDERICKS, P.C.

13  
14 /s/ Richard L. Fredericks  
15 Richard L. Fredericks, OSB #832034  
16 Attorney for Defendant Willingham  
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